

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-Publication of Notice Statement)

Amend Section 361
Title 14, California Code of Regulations (CCR)
Re: Archery Deer Hunting

I. Date of Initial Statement of Reasons: January 11, 2008

II. Dates and Locations of Scheduled Hearings:

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|-------------------------|-----------|------------------------|
| (a) Notice Hearing: | Date: | February 8, 2008 |
| | Location: | San Diego, California |
| (b) Discussion Hearing: | Date: | March 7, 2008 |
| | Location: | Stockton, California |
| (c) Discussion Hearing: | Date: | April 11, 2008 |
| | Location: | Bodega Bay, California |
| (d) Adoption Hearing: | Date: | May 9, 2008 |
| | Location: | Monterey, California |

III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

1. Number of Tags

Existing regulations provide for the number of hunting tags for area-specific archery hunts. This proposed regulatory action would change the number of tags for all existing hunts to a series of ranges as indicated in the table presented in the Informative Digest.

This proposal provides a range of tag numbers for each hunt from which a final number will be determined, based on the post-winter status of each deer herd. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April.

In early spring, surveys of deer herds are conducted to determine the proportion of fawns that have survived the winter. This information is used in conjunction with the prior year harvest and fall herd composition data to estimate overall herd size, sex and age ratios, and the predicted number of bucks available next season. The number of bucks and does needs to be estimated prior to the hunting season to determine how many surplus bucks will exist over and above the number required to maintain the desired buck ratio objectives stated in the approved deer herd management plans.

The actual tag numbers for each affected hunt will be reflected in the Final Statement of Reasons and will be selected from the range of values provided by this proposal. The number of tags is intended to allow the appropriate level of hunting opportunity and harvest of bucks in the population, while achieving or maintaining the buck ratios at, or near, objective levels set forth in the approved deer herd management plans. These final values for the license tag numbers will be based upon findings from the annual harvest and herd composition counts. However, under circumstances where severe winter

conditions adversely effect herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed tag range.

2. Modify season date for A-33

Existing regulations for Archery Hunt A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt) provide for hunting on Saturdays, Sundays and holidays only beginning the first Saturday in October and continuing through the Veteran's Day holiday in November, except if rescheduled by the Base Commander between the season opener and December 31 with Department concurrence.

The proposal would modify the season by removing two days from the end of the season (November 10 and 11) in order to accommodate Base operations. Although these actions would result in decreased hunter opportunity, they are consistent with existing deer herd management plan recommendations.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Fish and Game Code sections 200, 202, 203, 220, and 4370.

Reference: Fish and Game Code sections 200, 202, 203, 203.1, 207, and 4370.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

(d) Identification of Reports or Documents Supporting Regulation Change:

2007 Final Environmental Document Regarding Deer Hunting.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

The Department conducted a public scoping session in Sacramento on October 11, 2006. Public input, discussions and recommendations regarding the environmental document and mammal hunting and trapping regulations were taken at this time.

Additionally, in 2000, the Department of Fish and Game held a total of twenty-three (23) "Deer Stakeholder" meetings throughout the State. The meetings were open to the public and the Department provided information on a variety of deer management strategies and issues including: Deer Assessment Unit (zone complex) planning and tag draw method alternatives. Attendees were asked to participate in a survey and public comment was also received. The Department also conducted four public meetings at which regulation change concepts and specific proposals for mammals, furbearers, including deer were discussed, and additional public comment was received.

While these meetings were conducted prior to the establishment of current and proposed regulations, the concepts and proposals which were derived through these meetings are still being implemented as part of the current year regulatory process.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Number of Tags

There is no reasonable alternative to the proposed action.

2. Modify season date for A-33

Modify season to include all weekdays. This proposal was considered and rejected because it would not accommodate for military operations which primarily occur on weekdays, resulting in daily hunt cancellations, hunter dissatisfaction and the unnecessary restricting of hunter opportunity.

(b) No Change Alternative:

1. Number of Tags

The no-change alternative was considered and found inadequate to attain the project objectives. Retaining the current number of tags for the hunts listed may not be responsive to changes in the status of the herds. The deer herd management plans specify objective levels for the proportion of bucks in the herds. These ratios are maintained and managed in part by modifying the number of tags. The no-change alternative would not allow management of the desired proportion of bucks stated in the approved deer herd management plans.

2. Modify season date for A-33

The no change alternative was considered and found inadequate to attain the project objectives. Retaining the current season length and timing would be unresponsive to Base operations and scheduled activities.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed, or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and following initial determinations relative to the required statutory categories have been made.

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action corrects an error in verbatim, creates a new hunt, and adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

(c) Cost Impacts on Private Persons:

The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

(e) Other Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4:

None.

(h) Effect on Housing Costs:

None.

**INFORMATIVE DIGEST
(Policy Statement Overview)**

Existing regulations provide for the number of hunting tags for existing area-specific archery hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Existing regulations for Archery Hunt A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt) provide for hunting on Saturdays, Sundays, and holidays only beginning the first Saturday in October and continuing through the Veteran's Day holiday. The proposal would modify the season by removing two days from the end of the season in order to accommodate Base operations.

Archery Deer Hunting: § 361		
Tag Allocations		
Hunt Number (and Title)	Current	Proposed
A-1 (C Zone Archery Only Tag)	2,045	150-3,000
A-3 (Zone X-1 Archery)	265	50-1,000
A-4 (Zone X-2 Archery)	10	5-100
A-5 (Zone X-3a Archery)	35	10-300
A-6 (Zone X-3b Archery)	90	25-400
A-7 (Zone X-4 Archery)	105	25-400
A-8 (Zone X-5a Archery)	20	15-100
A-9 (Zone X-5b Archery)	5	5-100
A-11 (Zone X-6a Archery)	55	10-200
A-12 (Zone X-6b Archery)	175	10-300
A-13 (Zone X-7a Archery)	30	10-200
A-14 (Zone X-7b Archery)	20	5-100
A-15 (Zone X-8 Archery)	25	5-100
A-16 (Zone X-9a Archery)	130	50-500
A-17 (Zone X-9b Archery)	300	50-500
A-18 (Zone X-9c Archery)	350	50-500
A-19 (Zone X-10 Archery)	120	25-200
A-20 (Zone X-12 Archery)	115	50-500
A-21 (Anderson Flat Archery Buck Hunt)	25	25-100
A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	200-1,500
A-24 (Monterey Archery Either-Sex Deer Hunt)	100	25-200
A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	35	20-75

Archery Deer Hunting: § 361 Tag Allocations		
Hunt Number (and Title)	Current	Proposed
A-26 (Bass Hill Archery Buck Hunt)	30	10-100
A-27 (Devil's Garden Archery Buck Hunt)	10	5-75
A-30 (Covelo Archery Buck Hunt)	40	20-100
A-31 (Los Angeles Archery Either-Sex Deer Hunt)	1,000	200-1,500
A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	250	50-300
A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt)	New	25 Military* and 25 Public

* *Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.*